

STATE PERSONNEL BOARD APPEALS FORM

To appeal a Department/Agency determination, please read the instructional page in its entirety and complete all applicable items on this form in the sections below. **DO NOT** include your Social Security number anywhere on this form.

APPELLANT

Name (Last, First Middle Initial)

Mailing Address (Number) (Street) E-Mail Address

(City) (State) (Zip Code)

Phone (Home) (Work) (Cell)

REPRESENTATION (if applicable)

Name (Last, First Middle Initial)

Law Firm or Union

Mailing Address (Number) (Street) E-Mail Address

(City) (State) (Zip Code)

Phone (Work) (FAX)

EMPLOYMENT/DEPARTMENT/AGENCY INFORMATION

Name of the Classification/Title you are appealing

Department/Agency

Contact (if known)

Mailing Address (Number) (Street) E-Mail Address

(City) (State) (Zip Code)

Phone (Work) (FAX)

TYPE OF APPEAL/ACTION YOU ARE FILING (Check Only One):

Adverse Action/Disciplinary Action

Examination

Merit Issue Complaint

Minimum Qualification (MQ)

Psychological/Medical Disqualification

Withhold from Certification

Other (See Instruction Page for Type): _____

REASON(S) FOR APPEAL/ACTION:

I disagree with and appeal the Department/Agency Decision/Action dated _____
and my reasons are as follows:

Additional Page(s) attached.

Please Note: To avoid delay in processing of your appeal, please enclose a copy of the notice, action or response you received from the department/agency involved. This information, along with the Appeal Form, must be received by the SPB within the applicable time lines for the specific type of appeal as outlined in the Instructional Page. You may send it to the State Personnel Board using the address listed below either by U.S. mail, personal delivery, or by fax:

State Personnel Board
Attn: Appeals Division
801 Capitol Mall, MS #22
Sacramento, California 95814
FAX: (916) 654-6055

SIGNATURE OF APPELLANT/REPRESENTATIVE

DATED

SPB APPEALS FORM INSTRUCTIONS

The following information is designed to assist you in filling out the State Personnel Board's Appeals Form. Other information is available on our website www.spb.ca.gov, or by calling (916) 653-0799.

Place your name and contact information in the "Appellant" section. If you have representation, place either the union or attorney information in the "Representation" section. If you have no representation, leave this section blank. Complete the information in the section "Employment/Department/Agency Information" concerning the department or agency that made the determination you are appealing. In the "Name of Classification/Title you are appealing" section, enter the appealed classification or title, not the one you are currently in.

In order to appeal a Department/Agency determination, you must first identify what type of appeal you are going to file. The more common types of appeals are listed by name in the form under the section "Type of Appeal." The descriptions of these appeals are listed below under "Most Common Appeal Types." In addition, there is a check box designated "Other." If your appeal or action is not listed under "Most Common Appeal Types," this box should be checked if you are filing any other type of appeal or matter in which SPB has jurisdiction. In addition to checking the box, you are required to enter the type of appeal or matter you are filing. These types of appeals/matters are listed below under "Other Types of Appeals/Matters Under SPB Jurisdiction." Also, provide the reason(s) for the appeal in the box provided. Generally, you are required to identify the facts which form the basis of your appeal. (See California Code of Regulations, title 2, section 51.2.)

Below are listed the appeal/matter types and descriptions. In each of the categories, there are specific time limitations in which to file. Failure to adhere to these time limitations may result in your appeal being denied or dismissed. Please review each item to ensure you are filing the correct type of appeal.

MOST COMMON APPEAL TYPES:

ADVERSE ACTION/ DISCIPLINARY ACTION: If a formal disciplinary measure is taken against a State civil service employee, including dismissals, suspensions, demotions, reductions in salary, disciplinary transfers, and formal/official reprimands, and the employee disagrees with the action taken, he/she may file an Adverse Action/ Disciplinary Action appeal. Please include only the first page of the adverse action. Do not include the exhibits. Time Limit to File - 30 days after effective date.

EXAMINATION: If an examination competitor contends that laws and/or rules were violated in an examination, or he/she wants to contest the score received on his/her civil service examination, he/she may file an Examination appeal. Time limit to file - 30 days after notification for a qualified appraisal interview (oral) exam/60 days after notification for written exam.

MERIT ISSUE COMPLAINT: Issues based on a competitor's merit, including, but not necessarily limited to, interference with promotional opportunities, disputes regarding the effective dates of appointments or promotions, and applicability of alternate salary ranges constitute a Merit Issue Complaint. Time limit to file - Must initially file with department that made the decision; 30 days to file with SPB after departmental response.

MINIMUM QUALIFICATIONS (MQ): If an examination applicant feels he/she possesses the minimum qualifications to be placed in an examination, but his/her application has been rejected due

to not meeting the experience or education minimum qualifications of the classification, he/she may file an MQ appeal. Time Limit to File - 30 days after notification.

PSYCHOLOGICAL/ MEDICAL/ DISQUALIFICATION: If an applicant or employee is disqualified for medical or psychological reasons, or is qualified with medical restrictions, and disagrees with the medical evaluation, he/she may file a Psychological/ Medical/ Disqualification appeal. Time Limit to File - 30 days after notification.

WITHHOLD FROM CERTIFICATION: If a competitor receives a passing score on his/her civil service examination, but is subsequently notified that his/her name is being “withheld” from the employment, he/she may file a Withhold from Certification appeal. This category is also used when he/she is withheld from certification due to background discrepancies and findings. Time Limit to File - 30 days after notification.

OTHER TYPES OF APPEALS/MATTERS WITHIN SPB JURISDICTION:

CONSTRUCTIVE MEDICAL TERMINATION: If a department, for asserted medical reasons, refuses to allow an employee to work, but has not served the employee with a formal notice of medical termination, the employee may challenge the department’s actions by filing a Constructive Medical Termination appeal. Time Limit to File - 30 days after events giving rise to request occurs.

DENIAL OF REQUEST FOR REASONABLE ACCOMODATION: A civil service employee may file an appeal for denial of a request for reasonable accommodation after their department denies his/her request, or 20 working days has lapsed with no response. Time Limit to File - Must file with department first - 30 days after departmental response.

DISCRIMINATION COMPLAINT/ RETALIATION COMPLAINT: If an employee or applicant believes he/she has been discriminated against in State civil service employment based on race, color, sex, age, creed, religion, national origin, ancestry, disability, marital status, sexual orientation, and/or political affiliation, and has already filed with his/her department, he/she may file a Discrimination/Retaliation Complaint. Time Limit to File - Must file with department first—30 days after departmental response.

DISMISSED EMPLOYEE’S REQUEST TO TAKE CIVIL SERVICE EXAMINATIONS (RULE 211):

If an employee has been dismissed from State employment by adverse action or as a result of disciplinary proceedings, and has been denied permission to take a civil service examination by the State Personnel Board’s executive officer, he/she may file a Rule 211 appeal.

Time Limit to File - 30 days after notification.

FAILURE OF A PRE-EMPLOYMENT DRUG TEST: If an applicant or employee fails a pre-employment drug test and disagrees with the medical evaluation, he/she may file a Failure of a Pre-employment Drug Test appeal. Time Limit to File - 30 days after notification.

LESSER ADVERSE ACTION: If an official reprimand, a suspension without pay for five days or less, or a one-step reduction in pay for four months or less is taken against a State civil service employee, and the employee disagrees with the action taken, he/she may file a Lesser Adverse Action appeal. Time Limit to File - 30 days after effective date.

MEDICAL TERMINATION/ DEMOTION/ TRANSFER: If an employee has been demoted, transferred, or terminated from State employment because he/she is unable to perform his/her present position or any position within the department, and the employee is not eligible for or waives disability retirement, he/she may file a Medical Termination/ Demotion/Transfer appeal. Time Limit to File - 15 days after notification.

NON-PUNITIVE TERMINATION/ DEMOTION/ TRANSFER: If an employee has been non-punitively terminated, demoted, or transferred for failing to meet a requirement for continuing employment, and the employee disagrees with the action taken, he/she may file a Non-punitive Termination/ Demotion/ Transfer appeal. Time Limit to File - (30 days after receipt)

REJECTION DURING PROBATIONARY PERIOD: If an employee has been rejected during his/her probationary period for reasons relating to his/her qualifications, the good of the service, and/or failure to demonstrate merit, efficiency, fitness, and moral responsibility, and the employee disagrees with the action taken, he/she may file a Rejection During Probation appeal. Time Limit to File - 15 days after effective date.

REQUEST TO FILE CHARGES: Any individual may request to file charges seeking adverse action against a State civil service employee for one or more of the causes for discipline set forth in Government Code section 19572. Time Limit to File - Within one year of events giving rise to request.

TERMINATION/AUTOMATIC RESIGNATION OF PERMANENT INTERMITTENT EMPLOYEE: If a Permanent Intermittent employee has not been called to work by a department for more than one year and, in turn, has been served a notice of separation by automatic resignation, he/she may file a Termination/ Automatic Resignation of Permanent Intermittent Employee appeal for reinstatement. Time Limit to File - 30 days after notification.

TERMINATION OF CAREER EXECUTIVE ASSIGNMENT (CEA) APPOINTMENT: If a CEA employee is terminated, he/she may file a Termination of CEA Appointment appeal on the grounds that the termination was based on age, sex, sexual preference, marital status, race, color, national origin, ancestry, disability, religion, religious opinion and affiliations, and political affiliations or opinions. Time Limit to File - 30 days after notification.

TERMINATION OF LIMITED EXAMINATION AND APPOINTMENT PROGRAM (LEAP): If an employee appointed under the Limited Examination and Appointment Program (LEAP) is terminated during the LEAP job examination period for failure to meet conditions for appointment, failure to satisfactorily demonstrate the level of knowledge, skill, and ability required, or for other reasons relating to the candidate's qualifications, and the employee disagrees with the action taken, he/she may file a Termination of LEAP appeal. Time Limit to File - 30 days after notification.

TERMINATION OF LIMITED TERM/ SEASONAL/ TEMPORARY AUTHORIZATION (TAU) APPOINTMENT (LIBERTY INTEREST/NAME-CLEARING HEARINGS): If a department terminates an employee's limited term, seasonal, or TAU appointment "with fault" or "with cause" for allegedly wrongful behavior that might stigmatize the employee's reputation, seriously impair the employee's opportunity to earn a living, or seriously damage the employee's standing in the community, the employee has a right to a limited name-clearing hearing. Time Limit to File - 30 days after notification.

VOIDED APPOINTMENT: If an individual's appointment to a position in a State civil service job classification has been voided because of fraud or irregularity in the appointment process, the individual may file a Voided Appointment appeal. Time Limit to File - 30 days after notification.

WHISTLEBLOWER RETALIATION COMPLAINT: If an employee or applicant has been subject to retaliation because he/she has made a protected disclosure and/or refused to obey an illegal order, he/she may file a Whistleblower Retaliation Complaint. Time Limit to File - Within 12 months of latest reprisal/retaliation.

CALIFORNIA STATE UNIVERSITY (CSU) APPEAL:

DISMISSAL, DEMOTION, SUSPENSION, MEDICAL ACTION: If a California State University (CSU) employee is dismissed, demoted, or suspended, he/she may file an appeal if there are no grounds for the action; the penalty is excessive, unreasonable, or discriminatory; the employee did not do the acts or omissions alleged; and/or that the acts or omissions were justified. Time Limit to File - 30 days after notification.

PETITION TO SET ASIDE RESIGNATION: If a CSU employee has resigned orally or in writing, he/she may petition to set aside his/her resignation on the grounds of mistake, fraud, duress, undue influence, or any other reason alleging it was not a free, voluntary, and binding act. Time Limit to File - 30 days after last day worked/submitted.

REQUEST FOR REINSTATEMENT AFTER AUTOMATIC RESIGNATION AS ABSENT WITHOUT LEAVE (AWOL)/AWOL SEPARATION: If a CSU employee has voluntarily or involuntarily been absent without leave (AWOL) for five consecutive working days, and in turn, is considered to have automatically resigned from service, the employee may file a Request for Reinstatement appeal if he/she can provide a satisfactory explanation for his/her absence and failure to obtain leave, and can indicate that he/she is ready, able and willing to return to work or has obtained the campus' approval for a leave of absence. Time Limit to File - 15 days after notification/90 days within effective date if no notification received.

APPEAL FROM COUNTIES WITHOUT APPROVED MERIT SYSTEM:

DISCIPLINARY ACTION, MEDICAL ACTION, AUTOMATIC RESIGNATION, LAYOFF, REFUSAL TO HIRE, REJECTION DURING PROBATION (LIMITED): An employee working for a county without an approved merit system may file an appeal with the State Personnel Board, specifying the facts and relief requested. Time Limit to File - 30 days after notification or date of action.

To avoid delay in processing your appeal, please enclose a copy of the notice, action or response you received from the department/agency involved. This information, along with the Appeal Form, must be received by the SPB within the applicable time lines for the specific type of appeal as outlined above. You may send it to the address listed below either by U.S. mail, personal delivery, or by fax to: State Personnel Board, Attn: Appeals Division, 801 Capitol Mall, MS #22, Sacramento, California 95814, FAX: (916) 654-6055.